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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

BY: _____

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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Carrie Couser, on behalf of herself all)
others similarly situated,)

Plaintiff,)

vs.)

AMC Entertainment Inc, and DOES)
1 through 10, inclusive, and each of)
them)

Defendant(s).)

Case No. **ED CV 14 - 00284 JGB**

**CLASS ACTION COMPLAINT
FOR DAMAGES**

JURY TRIAL DEMANDED

SPx

1
2 1. Carrier Couser (“Plaintiff”) brings this Class Action Complaint for
3 damages, injunctive relief, and any other available legal or equitable remedies,
4 resulting from the illegal actions of AMC Entertainment Inc (“Defendant”) in
5 negligently and/or willfully contacting Plaintiff on Plaintiff’s cellular telephone,
6 in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq.,
7 (“TCPA”), thereby invading Plaintiff’s privacy. Plaintiff alleges as follows upon
8 personal knowledge as to herself and her own acts and experiences, and, as to all
9 other matters, upon information and belief, including investigation conducted by
10 his attorneys.
11
12
13
14

15 2. The TCPA was designed to prevent calls and text messages like the
16 ones described herein, and to protect the privacy of citizens like Plaintiff.
17 “Voluminous consumer complaints about abuses of telephone technology – for
18 example, computerized calls dispatched to private homes – prompted Congress to
19 pass the TCPA.” *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 744 (2012).
20
21

22 3. In enacting the TCPA, Congress intended to give consumers a choice
23 as to how corporate similar entities may contact them, and made specific findings
24 that “[t]echnologies that might allow consumers to avoid receiving such calls are
25 not universally available, are costly, are unlikely to be enforced, or place an
26 inordinate burden on the consumer. TCPA, Pub.L. No. 102–243, § 11. In support
27
28

1 of this, Congress found that:

2 [b]anning such automated or prerecorded telephone
3 calls to the home, except when the receiving party
4 consents to receiving the call or when such calls are
5 necessary in an emergency situation affecting the health
6 and safety of the consumer, is the only effective means
7 of protecting telephone consumers from this nuisance
and privacy invasion.

8 Id. at § 12; see also *Martin v. Leading Edge Recovery Solutions, LLC*, 2012 WL
9 3292838, at* 4 (N.D.Ill. Aug. 10, 2012) (citing Congressional findings on
10 TCPA's purpose).

11
12 4. Congress also specifically found that "the evidence presented to the
13 Congress indicates that automated or prerecorded calls are a nuisance and an
14 invasion of privacy, regardless of the type of call...." Id. at §§ 12-13. See also,
15
16 *Mims*, 132 S. Ct. at 744.

17
18 5. As Judge Easterbrook of the Seventh Circuit recently explained in a
19 TCPA case regarding calls to a non-debtor:

20
21 The Telephone Consumer Protection Act ... is well
22 known for its provisions limiting junk-fax
23 transmissions. A less-litigated part of the Act curtails
24 the use of automated dialers and prerecorded messages
25 to cell phones, whose subscribers often are billed by the
26 minute as soon as the call is answered—and routing a
27 call to voicemail counts as answering the call. An
28 automated call to a landline phone can be an
annoyance; an automated call to a cell phone adds
expense to annoyance.

Soppet v. Enhanced Recovery Co., LLC, 679 F.3d 637, 638 (7th Cir. 2012).

JURISDICTION AND VENUE

6. This Court has federal question jurisdiction because this case arises out of violations of federal law. 47 U.S.C. §227(b); *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740 (2012).

7. Venue is proper in the United States District Court for the Central District of California pursuant to 18 U.S.C. § 1391(b)(2), because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this district; Plaintiff resides in Riverside, California, which falls within the Central District of California.

PARTIES

8. Plaintiff is, and at all times mentioned herein was, a citizen and resident of the State of California. Plaintiff is, and at all times mentioned herein was, a "person" as defined by 47 U.S.C. § 153 (10).

9. Plaintiff is informed and believes, and thereon alleges, that Defendant is, and at all times mentioned herein was, a corporation whose State of Incorporation and principal place of business is in the State of California. Defendant, is and at all times mentioned herein was, a corporation and is a "person," as defined by 47 U.S.C. § 153 (10). Plaintiff alleges that at all times relevant herein Defendant conducted business in the State of California and in the County of Riverside, within this judicial district.

FACTUAL ALLEGATIONS

10. On or about January 29, 2013, Defendant sent the following consecutive, and seemingly related text messages to Plaintiff's cellular phone ending in #4164:

AMC Best Picture
Showcase is back
2/22 & 3/1! See
All 9 nominees in
time for the
Oscars & earn up

To \$10 AMC Stubs
Bonus Bucks. Get
tix:
<http://bit.ly/1jEa>
Spo

11. The above text-messages were sent to Plaintiff's cellular phone between approximately 12:36 p.m. and 12:39 p.m.

12. In response to the above text-messages, Plaintiff text "stop," to which she received the following consecutive text messages in response, from Defendant:

AMC: This
confirms that
you've
unsubscribed &
will no longer

///

1 receive texts
2 from AMC
3 Theatres Mobile.
4 Info? Call 888-
5 562-4262 or
6 customerservice@
7 amcstubs.com

8 13. The texts Defendant sent to Plaintiff's cellular phone were sent via
9 an "automatic telephone dialing system," ("ATDS") as defined by 47 U.S.C. §
10 227 (a)(1), and as prohibited by 47 U.S.C. § 227 (b)(1)(A).
11

12 14. The telephone number that Defendant or its agents sent text
13 messages to was assigned to a cellular telephone service for which Plaintiff incurs
14 a charge for incoming calls and texts pursuant to 47 U.S.C. § 227 (b)(1).
15

16 15. These text messages were not for emergency purposes as defined by
17 47 U.S.C. § 227 (b)(1)(A)(i).
18

19 16. Plaintiff never provided Defendant with her cellular phone number,
20 in writing or otherwise. Thus, at no time did Plaintiff provide Defendant or its
21 agents with prior express consent to send text message to her cellular phone, from
22 an ATDS, pursuant to 47 U.S.C. § 227 (b)(1)(A).
23

24 17. These text messages by Defendant, or its agents, violated 47 U.S.C.
25 § 227(b).
26

27 ///

28 ///

CLASS ACTION ALLEGATIONS

18. Plaintiff brings this action on behalf of herself and on behalf of and all others similarly situated ("the Class").

19. Plaintiff represents, and is a member of, the Class, consisting of:

All persons within the United States who received any text messages from Defendant, or its agent(s) and/or employee(s), to said person's cellular telephone, through the use of any automatic telephone dialing system, within the four years prior to the filing of the Complaint.

20. Defendant and its employees or agents are excluded from the Class. Plaintiff does not know the number of members in the Class, but believes the Class members number in the thousands, if not more. Thus, this matter should be certified as a Class action to assist in the expeditious litigation of this matter.

21. Plaintiff and members of the Class were harmed by the acts of Defendant in at least the following ways: Defendant, either directly or through its agents, illegally contacted Plaintiff and the Class members via their cellular telephones, thereby causing Plaintiff and the Class members to incur certain cellular telephone charges or reduce cellular telephone time for which Plaintiff and the Class members previously paid, and invading the privacy of said Plaintiff and the Class members. Plaintiff and the Class members were damaged thereby.

22. This suit seeks only damages and injunctive relief for recovery of economic injury on behalf of the Class, and it expressly is not intended to request

1 any recovery for personal injury and claims related thereto. Plaintiff reserves the
2 right to expand the Class definition to seek recovery on behalf of additional
3 persons as warranted as facts are learned in further investigation and discovery.
4

5 23. The joinder of the Class members is impractical and the disposition
6 of their claims in the Class action will provide substantial benefits both to the
7 parties and to the court. The Class can be identified through Defendant's records
8 or Defendant's agents' records.
9
10

11 24. There is a well-defined community of interest in the questions of law
12 and fact involved affecting the parties to be represented. The questions of law
13 and fact to the Class predominate over questions which may affect individual
14 Class members, including the following:
15

- 16 a) Whether, within the four years prior to the filing of this Complaint,
17 Defendant or its agents sent text messages to the Class (other than a
18 text sent for emergency purposes or made with the prior express
19 consent of the called who received the text) or to a Class member
20 using any automatic dialing system, to any telephone number
21 assigned to a cellular phone service;
22
23 b) Whether Plaintiff and the Class members were damaged thereby, and
24 the extent of damages for such violation; and
25
26
27

28 ///

1 c) Whether Defendant and its agents should be enjoined from engaging
2 in such conduct in the future.

3
4 25. As a person that received texts from Defendant via an automated
5 telephone dialing system without Plaintiff's prior express consent, Plaintiff is
6 asserting claims that are typical of the Class. Plaintiff will fairly and adequately
7 represent and protect the interests of the Class in that Plaintiff has no interests
8 antagonistic to any member of the Class.
9
10

11 26. Plaintiff and the members of the Class have all suffered irreparable
12 harm as a result of the Defendant's unlawful and wrongful conduct. Absent a
13 class action, the Class will continue to face the potential for irreparable harm. In
14 addition, these violations of law will be allowed to proceed without remedy and
15 Defendant will likely continue such illegal conduct. Because of the size of the
16 individual Class member's claims, few, if any, Class members could afford to
17 seek legal redress for the wrongs complained of herein.
18
19
20

21 27. Plaintiff has retained counsel experienced in handling class action
22 claims and claims involving violations of the Telephone Consumer Protection
23 Act.
24

25 28. A class action is a superior method for the fair and efficient
26 adjudication of this controversy. Class-wide damages are essential to induce
27 Defendant to comply with federal and state law. The interest of Class members in
28

1 individually controlling the prosecution of separate claims against Defendant is
2 small because the maximum statutory damages in an individual action for
3 violation of privacy are minimal. Management of these claims is likely to present
4 significantly fewer difficulties than those presented in many class claims.
5

6
7 29. Defendant has acted on grounds generally applicable to the Class,
8 thereby making appropriate final injunctive relief and corresponding declaratory
9 relief with respect to the Class as a whole.
10

11 **FIRST CAUSE OF ACTION**
12 **NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER**
13 **PROTECTION ACT**
14 **47 U.S.C. § 227 ET SEQ.**

15 32. Plaintiff incorporates by reference all of the above paragraphs of this
16 Complaint as though fully stated herein.

17 33. The foregoing acts and omissions of Defendant constitute numerous
18 and multiple negligent violations of the TCPA, including but not limited to each
19 and every one of the above-cited provisions of 47 U.S.C. § 227 et seq.
20

21 34. As a result of Defendant's negligent violations of 47 U.S.C. § 227 et
22 seq, Plaintiff and The Class are entitled to an award of \$500.00 in statutory
23 damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).
24

25 35. Plaintiff and the Class are also entitled to and seek injunctive relief
26 prohibiting such conduct in the future.
27

28 ///

SECOND CAUSE OF ACTION
KNOWING AND/OR WILLFUL VIOLATIONS OF THE
TELEPHONE CONSUMER PROTECTION ACT
47 U.S.C. § 227 ET SEQ.

36. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

37. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above-cited provisions of 47 U.S.C. § 227 et seq.

38. As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227 et seq, Plaintiff and The Class are entitled to an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(C).

39. Plaintiff and the Class are also entitled to and seek injunctive relief prohibiting such conduct in the future.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests the Court grant Plaintiff and The Class members the following relief against Defendant:

///

///

///

1 **FIRST CAUSE OF ACTION**
2 **FOR NEGLIGENT VIOLATION OF THE TCPA, 47 U.S.C. § 227 ET SEQ.**

- 3 • As a result of Defendant's negligent violations of 47 U.S.C. §
4 227(b)(1), Plaintiffs seeks for themselves and each Class member
5 \$500.00 in statutory damages, for each and every violation, pursuant
6 to 47 U.S.C. § 227(b)(3)(B).
7
8
9 • Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting
10 such conduct in the future.
11
12 • Any other relief the Court may deem just and proper.

13 **SECOND CAUSE OF ACTION**
14 **FOR KNOWING AND/OR WILLFUL VIOLATION OF THE TCPA, 47**
15 **U.S.C. § 227 ET SEQ.**

- 16 • As a result of Defendant's willful and/or knowing violations of 47
17 U.S.C. § 227(b)(1), Plaintiffs seek for themselves and each Class
18 member treble damages, as provided by statute, up to \$1,500.00 for
19 each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and
20 47 U.S.C. § 227(b)(3)(C).
21
22
23 • Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting
24 such conduct in the future.
25
26 • Any other relief the Court may deem just and proper.
27
28

TRIAL BY JURY

46. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and hereby does demand, a trial by jury.

Respectfully submitted this February 11, 2014

By: _____

Todd M. Friedman

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

Attorney for Plaintiff

HYDE & SWIGART

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Telephone: (619) 233-7770

Facsimile: (619) 297-1022

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Jesus G. Bernal and the assigned Magistrate Judge is Sheri Pym.

The case number on all documents filed with the Court should read as follows:

5:14-CV-00284-JGB-SPx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

February 13, 2014

Date

By A. COBIAN
Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

☐ Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

☒ Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Carrie Couser, on behalf of herself and all others similarly situated		DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) AMC Entertainment Inc, and DOES 1 through 10, inclusive, and each of them	
(b) County of Residence of First Listed Plaintiff <u>Riverside</u> (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)	
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. LAW OFFICES OF TODD M. FRIEDMAN, P.C. 369 S. Doheny Dr., #415 Beverly Hills, CA 90211 Phone: 877-206-4741		Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 2. U.S. Government Defendant <input checked="" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table style="width:100%;"> <tr> <td style="width:50%;"> Citizen of This State <input type="checkbox"/> 1 Citizen of Another State <input type="checkbox"/> 2 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 </td> <td style="width:50%;"> PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 3 Incorporated or Principal Place of Business in this State <input type="checkbox"/> 4 Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 Foreign Nation <input type="checkbox"/> 6 </td> </tr> </table>	Citizen of This State <input type="checkbox"/> 1 Citizen of Another State <input type="checkbox"/> 2 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 3 Incorporated or Principal Place of Business in this State <input type="checkbox"/> 4 Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 Foreign Nation <input type="checkbox"/> 6
Citizen of This State <input type="checkbox"/> 1 Citizen of Another State <input type="checkbox"/> 2 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 3 Incorporated or Principal Place of Business in this State <input type="checkbox"/> 4 Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 Foreign Nation <input type="checkbox"/> 6		

IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1. Original Proceeding <input type="checkbox"/> 2. Removed from State Court <input type="checkbox"/> 3. Remanded from Appellate Court <input type="checkbox"/> 4. Reinstated or Reopened <input type="checkbox"/> 5. Transferred from Another District (Specify) _____ <input type="checkbox"/> 6. Multi-District Litigation	
---	--

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: ☒ Yes ☐ No **MONEY DEMANDED IN COMPLAINT:** \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 47 U.S.C. Section 227- Violations of Telephone Consumer Protection Act

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/Etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property TORTS <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions TORTS <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 American with Disabilities-Employment <input type="checkbox"/> 446 American with Disabilities-Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405 (g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405 (g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY:

Case Number:

CV-71 (11/13)

CIVIL COVER SHEET

Page 1 of 3

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column C <input checked="" type="checkbox"/> only 1 answer in Column C and no answers in Column D Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C.2. to the right. →	C.2. Is either of the following true? If so, check the one that applies: <input checked="" type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

Question D: Initial Division? Enter the Initial division determined by Question A, B, or C above: →	INITIAL DIVISION IN CACD EASTERN DIVISION
---	--

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETIX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)
- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT): _____ DATE: February 11, 2014

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))